



General Assembly

Substitute Bill No. 292

February Session, 2016

* SB00292APP 041916 *

AN ACT CONCERNING BEHAVIOR ANALYSTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-185i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2017*):

3 (a) As used in this section, sections 2 to 5, inclusive, of this act and
4 section 19a-14, as amended by this act:

5 (1) "Behavior Analyst Certification Board" means the nonprofit
6 corporation established to meet the professional credentialing needs of
7 behavior analysts, governments and consumers of behavior analysis
8 services and accredited by the National Council for Certifying
9 Agencies in Washington, D.C., or any successor national accreditation
10 organization;

11 [(2) "Board certified behavior analyst (BCBA)" means a person who
12 has been certified as a behavior analyst by the Behavior Analyst
13 Certification Board; and

14 (3) "Board certified assistant behavior analyst (BCABA)"]

15 (2) "Behavior analysis" means the design, implementation and
16 evaluation of environmental modifications, using behavior stimuli and
17 consequences, including the use of direct observation, measurement

18 and functional analysis of the relationship between the environment
19 and behavior, to produce socially significant improvement in human
20 behavior, but does not include: (A) Psychological testing, (B)
21 neuropsychology, (C) cognitive therapy, (D) sex therapy, (E)
22 psychoanalysis, (F) hypnotherapy, (G) cognitive behavioral therapy,
23 (H) psychotherapy, or (I) long-term counseling as treatment
24 modalities;

25 (3) "Behavior analyst" means a person who is licensed to practice
26 behavior analysis under the provisions of section 3 or 4 of this act; and

27 (4) "Assistant behavior analyst" means a person who has been
28 certified as an assistant behavior analyst by the Behavior Analyst
29 Certification Board to assist in the practice of behavior analysis under
30 the supervision of a behavior analyst.

31 (b) No person, unless certified by the Behavior Analyst Certification
32 Board as a [board certified behavior analyst or a] board certified
33 assistant behavior analyst, shall use in connection with his or her name
34 or place of business: (1) The words ["board certified behavior analyst",
35 "certified behavior analyst",] "board certified assistant behavior
36 analyst" or "certified assistant behavior analyst", (2) the letters [,
37 "BCBA" or] "BCABA", or (3) any words, letters, abbreviations or
38 insignia indicating or implying that he or she is a [board certified
39 behavior analyst or] board certified assistant behavior analyst or in any
40 way, orally, in writing, in print or by sign, directly or by implication,
41 represent himself or herself as a [board certified behavior analyst or]
42 board certified assistant behavior analyst. Any person who violates the
43 provisions of this section shall be guilty of a class D felony. For the
44 purposes of this section, each instance of contact or consultation with
45 an individual which is in violation of any provision of this section shall
46 constitute a separate offense.

47 Sec. 2. (NEW) (*Effective January 1, 2017*) (a) No person may practice
48 behavior analysis unless licensed pursuant to section 3 or 4 of this act.

49 (b) No person may use the title "behavior analyst" or make use of
50 any title, words, letters or abbreviations that may reasonably be
51 confused with licensure as a behavior analyst unless such person is
52 licensed pursuant to section 3 or 4 of this act.

53 (c) The provisions of this section shall not apply to a person who (1)
54 provides behavior analysis or assists in the practice of behavior
55 analysis while acting within the scope of practice of the person's
56 license and training, provided the person does not hold himself or
57 herself out to the public as a behavior analyst, (2) is a student enrolled
58 in a behavior analysis educational program accredited by the Behavior
59 Analyst Certification Board, or a graduate education program in which
60 behavior analysis is an integral part of the student's course of study
61 and such student is performing such behavior analysis or assisting in
62 behavior analysis under the direct supervision of a behavior analyst,
63 (3) is an instructor in a course approved by the Behavior Analyst
64 Certification Board, (4) is an assistant behavior analyst working under
65 the supervision of a behavior analyst in accordance with the standards
66 established by the Behavior Analyst Certification Board, (5)
67 implements an intervention based on behavior analysis under the
68 supervision of a behavior analyst, or (6) is a family member, guardian
69 or caretaker implementing a behavior analysis treatment plan under
70 the direction of a behavior analyst.

71 Sec. 3. (NEW) (*Effective January 1, 2017*) (a) The Commissioner of
72 Public Health shall grant a license as a behavior analyst to any
73 applicant who furnishes evidence satisfactory to the commissioner that
74 such applicant is certified as a behavior analyst by the Behavior
75 Analyst Certification Board. The commissioner shall develop and
76 provide application forms. The application fee shall be three hundred
77 fifty dollars.

78 (b) Licenses issued under this section may be renewed biennially.
79 The fee for such renewal shall be one hundred seventy-five dollars.
80 Each behavior analyst applying for license renewal shall furnish
81 evidence satisfactory to the commissioner of having current

82 certification with the Behavior Analyst Certification Board.

83 Sec. 4. (NEW) (*Effective January 1, 2017*) A person, who is not eligible
84 for licensure under section 3 of this act, may apply for licensure by
85 endorsement as a behavior analyst. Such applicant shall present
86 evidence satisfactory to the commissioner that the applicant is licensed
87 or certified as a behavior analyst, or as a person entitled to perform
88 similar services under a different designation, in another state or
89 jurisdiction that has requirements for practicing in such capacity that
90 are substantially similar to, or higher than, those of this state and that
91 there are no disciplinary actions or unresolved complaints pending.

92 Sec. 5. (NEW) (*Effective January 1, 2017*) The Commissioner of Public
93 Health may take any disciplinary action set forth in section 19a-17 of
94 the general statutes against a behavior analyst for any of the following
95 reasons: (1) Failure to conform to the accepted standards of the
96 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or
97 seeking reinstatement of a license to practice behavior analysis; (4)
98 fraud or deceit in the practice of behavior analysis; (5) negligent,
99 incompetent or wrongful conduct in professional activities; (6)
100 physical, mental or emotional illness or disorder resulting in an
101 inability to conform to the accepted standards of the profession; (7)
102 alcohol or substance abuse; or (8) wilful falsification of entries in any
103 hospital, patient or other record pertaining to behavior analysis. The
104 commissioner may order a license holder to submit to a reasonable
105 physical or mental examination if his or her physical or mental
106 capacity to practice safely is the subject of an investigation. The
107 commissioner may petition the superior court for the judicial district of
108 Hartford to enforce such order or any action taken pursuant to section
109 19a-17 of the general statutes. The commissioner shall give notice and
110 an opportunity to be heard on any contemplated action under section
111 19a-17 of the general statutes.

112 Sec. 6. Subsection (c) of section 19a-14 of the 2016 supplement to the
113 general statutes is repealed and the following is substituted in lieu
114 thereof (*Effective January 1, 2017*):

115 (c) No board shall exist for the following professions that are
116 licensed or otherwise regulated by the Department of Public Health:

117 (1) Speech and language pathologist and audiologist;

118 (2) Hearing instrument specialist;

119 (3) Nursing home administrator;

120 (4) Sanitarian;

121 (5) Subsurface sewage system installer or cleaner;

122 (6) Marital and family therapist;

123 (7) Nurse-midwife;

124 (8) Licensed clinical social worker;

125 (9) Respiratory care practitioner;

126 (10) Asbestos contractor and asbestos consultant;

127 (11) Massage therapist;

128 (12) Registered nurse's aide;

129 (13) Radiographer;

130 (14) Dental hygienist;

131 (15) Dietitian-Nutritionist;

132 (16) Asbestos abatement worker;

133 (17) Asbestos abatement site supervisor;

134 (18) Licensed or certified alcohol and drug counselor;

135 (19) Professional counselor;

- 136 (20) Acupuncturist;
- 137 (21) Occupational therapist and occupational therapist assistant;
- 138 (22) Lead abatement contractor, lead consultant contractor, lead
139 consultant, lead abatement supervisor, lead abatement worker,
140 inspector and planner-project designer;
- 141 (23) Emergency medical technician, advanced emergency medical
142 technician, emergency medical responder and emergency medical
143 services instructor;
- 144 (24) Paramedic;
- 145 (25) Athletic trainer;
- 146 (26) Perfusionist;
- 147 (27) Master social worker subject to the provisions of section 20-
148 195v;
- 149 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 150 (29) Homeopathic physician;
- 151 (30) Certified water treatment plant operator, certified distribution
152 system operator, certified small water system operator, certified
153 backflow prevention device tester and certified cross connection
154 survey inspector, including certified limited operators, certified
155 conditional operators and certified operators in training;
- 156 (31) Tattoo technician; [and]
- 157 (32) Genetic counselor; and
- 158 (33) Behavior analyst.

159 The department shall assume all powers and duties normally vested
160 with a board in administering regulatory jurisdiction over such

161 professions. The uniform provisions of this chapter and chapters 368v,
 162 369 to 381a, inclusive, [383] 382a to 388, inclusive, 393a, 395, 398, 399,
 163 400a and 400c, including, but not limited to, standards for entry and
 164 renewal; grounds for professional discipline; receiving and processing
 165 complaints; and disciplinary sanctions, shall apply, except as otherwise
 166 provided by law, to the professions listed in this subsection.

167 Sec. 7. Subdivision (6) of section 20-413 of the general statutes is
 168 repealed and the following is substituted in lieu thereof (*Effective*
 169 *January 1, 2017*):

170 (6) The provision of applied behavior analysis services by a [board
 171 certified] behavior analyst or a [board certified] assistant behavior
 172 analyst, as such terms are defined in section 20-185i, as amended by
 173 this act, in accordance with section 10-76ii.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	20-185i
Sec. 2	<i>January 1, 2017</i>	New section
Sec. 3	<i>January 1, 2017</i>	New section
Sec. 4	<i>January 1, 2017</i>	New section
Sec. 5	<i>January 1, 2017</i>	New section
Sec. 6	<i>January 1, 2017</i>	19a-14(c)
Sec. 7	<i>January 1, 2017</i>	20-413(6)

PH Joint Favorable Subst.

APP Joint Favorable